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SCHWEGMAN, LUNDBERG & WOESSNER, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402			EXAMINER HASSAN, AURANGZEB	
			ART UNIT 2182	PAPER NUMBER
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/750,544
Filing Date: December 31, 2003
Appellant(s): LIPPINCOTT, LOUIS A.

Rodney L. Lacy, Reg. No. 41,136
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 7/13/2009 appealing from the Office action mailed 6/12/2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

An Appeal Brief was filed on April 17, 2009 for related US Patent Application Serial Number 10/600, 048.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,151,783

FAROUDJA

9-1992

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 – 3, 5, 6, 9, 23 – 25, 27 and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Faroudja (US Patent Number 5,151,783).

As per claims 1, 9 and 23, Faroudja teaches a method, apparatus and machine-readable medium comprising: receiving video into a video display device (television system, column 3, lines 44 – 51); storing, by at least one processor (detail processor 38, figure 3a), the video into a memory, upon determining (detecting carrier modulation is the determining of the mode, column 4, lines 3 – 15) that the video display device is in a storage mode (storage mode stores into magnetic recording medium, column 3, lines 45 – 51 and shown as done by processor in column 6, lines 37 – 46), wherein the video stored into the memory is to be subsequently retrieved for display on a video display coupled to the video display device (86, figure 3b); and performing enhanced image

processing on the video with the at least one processor, upon determining that the video display device is in an image processing mode (image processing by image detail processor 38, column 7, lines 22 – 32), wherein the video display device is to operate in the image processing mode, upon determining that video is not being stored into the memory or the video stored in the memory is not being retrieved for display on a video display (video not displayed if not functioning through the memory, via modes in the decoder, 60 and 102, figure 4, which is the processing mode of no data).

As per claims 2 and 24, Faroudja teaches a method and machine-readable medium further comprising compressing (compression takes place at 42, figure 3a, which is before storing which occurs at path 12, figure 3b), by the at least one processor, the video prior to storing the video into the memory, upon determining that the video display device is within the storage mode.

As per claims 3 and 25, Faroudja teaches a method and machine-readable medium wherein compressing, by the at least one processor, the video comprises performing frame reduction on the video, by a first processor of the at least one processor (frame reduction known, column 1, lines 34 – 37, and performing in the modification of the recurrent picture frame rate, column 3, lines 52 – 63)

As per claims 5 and 27, Faroudja teaches a method and machine-readable medium wherein performing enhanced image processing on the video comprises performing a

ghost reduction operation (ghost reduction column 5, lines 55 – 67).

As per claims 6 and 28, Faroudja teaches a method and machine-readable medium wherein performing enhanced image processing on the video comprises performing a noise reduction operation (noise reduction 70, figure 3b, column 8, lines 38 – 58).

(10) Response to Argument

Appellant argues:

Faroudja does not teach the claim limitation of "wherein the video display device is to operate in the image processing mode, upon determining that video is not being stored into the memory or the video stored in the memory is not being retrieved for display on a video display."

Examiner's response:

The Examiner respectfully disagrees. The Appellant argues that the Faroudja does not the particulars of the image processing mode and has cited points from the Examiners citation including the decoders and functionality of no data present on the processing mode. The Examiner has clearly pointed out limitations that handle the limitations necessitated by the claims. The primary component argued by the Appellant is the image processing mode which operates upon determining **either** *"that video is not being stored into the memory or the video stored in the memory is not being retrieved for*

display on a video display." The Examiner has understood the claims to necessitate that the image processing mode is operational with either of the above mentioned *"video is not being stored"* or *"video ... not being retrieved"* and the image processing mode does not require both. Furthermore the claims recite a storage mode however the Examiner makes note that the storage mode has no direct impact on the image processing mode in any capacity. The image processing mode is an independent functionality directly dependent on the said video data. This concept of data storage independence in the image processor relates back to how Faroudja handles its image processing functionality. The Examiner clearly stated that the image processing mode is when the functionality is allowed by the image processor 38 of figure 3a which in turn processes data to the data path 12 which leads to figure 3b. In the case the data is not stored it is processed and passed on to the decoder 60, figure 3b which allows for further processing to display, figure 4. Furthermore the citation provided to better understand the storage mode also teaches not storing by Faroudja which states in column 3, lines 45 - 51 that there is a medium utilized for passing the video data. Clearly one of ordinary skill would recognize Faroudja teaches limitations of an independent image processing mode as necessitated by the claim limitations.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Art Unit: 2182

Respectfully submitted,

Aurangzeb Hassan
Patent Examiner
Art Unit 2182

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/Kevin L Ellis/
Supervisory Patent Examiner, Art Unit 2117

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